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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,354	10/17/2003	Frederic Ferri	YPI001	7083
28848	7590	01/24/2006	EXAMINER	
TOPE-MCKAY & ASSOCIATES 23852 PACIFIC COAST HIGHWAY #311 MALIBU, CA 90265			AMERSON, LORI BAKER	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E

Office Action Summary	Application No. 10/687,354	Applicant(s) FERRI, FREDERIC	
	Examiner L Amerson	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 26-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 8-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Group I in the reply filed on 12/9/05 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- a. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Underwood discloses a frame 3 with a separator 12 and a plurality of indentations.
- b. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Moore Johnson et al. Moore Johnson et al disclose in all of the limitations of the instant invention as claimed.
- c. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Heims. Heims discloses a frame 34 with a separator 52 as claimed.
- d. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Vonk. Vonk discloses in all of the limitations of the instant invention as claimed.
- e. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson. Johnson discloses in all of the limitations of the instant invention as claimed.

- f. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda. Ikeda discloses in all of the limitations of the instant invention as claimed.
- g. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Manning. Manning discloses in all of the limitations of the instant invention as claimed.
- h. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Stern. Stern discloses a frame 40 with separator 30 in the instant invention.
- i. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Grahm. Grahm discloses in all of the limitations of the instant invention as claimed.
- j. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wyss. Wyss discloses in all of the limitations of the instant invention as claimed.
- k. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Collier. Collier disclose in all of the limitations of the instant invention as claimed.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

- l. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Belcher. Belcher discloses in Figure 2 a frame 30 with a separator 12.
 - m. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ott et al. Ott et al discloses in Figures 1- 2 a frame with a separator.
 - n. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg et al discloses in Figure 1 all of the limitations of the instant invention.
3. Claims 2-6 and 8-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lori Amerson". The signature is fluid and cursive, with the first name "Lori" and last name "Amerson" clearly distinguishable.

Lori Amerson